

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:

DURA AUTOMOTIVE SYSTEMS, LLC, *et al.*,<sup>1</sup>

Debtors

Chapter 11

Case No. 19-12378-KBO

Jointly Administered

Ref. Docket No. 733

Hearing Date: May 20, 2020 at 10:00 a.m. (ET)

Objection Deadline: May 11, 2020 at 4:00 p.m. (ET)

**RE-NOTICE OF MOTION**

TO: (I) COUNSEL TO THE DEBTORS; (II) THE OFFICE OF THE UNITED STATES TRUSTEE FOR THE DISTRICT OF DELAWARE; (III) COUNSEL TO THE DIP LENDER; (IV) COUNSEL TO THE COMMITTEE; (V) COUNSEL TO THE PREPETITION ABL PARTIES; (VI) COUNSEL TO THE INITIAL DIP LENDER; AND (VII) ALL PARTIES THAT HAVE FILED A NOTICE OF APPEARANCE AND REQUEST FOR SERVICE OF PAPERS PURSUANT TO BANKRUPTCY RULE 2002.

**PLEASE TAKE NOTICE** that on March 2, 2020, Zohar II 2005-1, Limited and Zohar III, Limited (together, the “Zohar Lenders”) filed the *Zohar Lenders’ Motion for Entry of an Order Further Extending the Challenge Period and Granting Related Relief* [Docket No. 733] (the “Motion”). You were previously served a copy of the Motion.

**PLEASE TAKE FURTHER NOTICE** that on March 16, 2020, the Zohar Lenders filed a *Notice of Adjournment of the Zohar Lenders’ Motion for Entry of an Order Further Extending the Challenge Period and Granting Related Relief* [Docket No. 761] which adjourned the Motion to a date and time to be determined. On April 9, 2020, the Zohar Lenders filed a *Re-Notice of Motion* [Docket No. 849], which established April 20, 2020 as the objection deadline (the “Objection Deadline”) for the Motion and April 27, 2020 as the hearing date (the “Hearing Date”) for the Motion.

**PLEASE TAKE FURTHER NOTICE** that the Zohar Lenders have filed that certain *Amendment to Zohar Lenders’ Motion for Entry of an Order Further Extending the Challenge Period and Granting Related Relief* (the “Amendment”).

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<sup>1</sup> The debtor entities in these chapter 11 cases, along with the last four digits of each Debtor entity’s federal tax identification number, are: Dura Automotive Systems Cable Operations, LLC (7052); Dura Automotive Systems, LLC (8111); Dura Fremont L.L.C. (1252); Dura G.P. (8092); Dura Mexico Holdings, LLC (4188); Dura Operating, LLC (2304); and NAMP, LLC (3693).

**PLEASE TAKE FURTHER NOTICE** that any objections to the Motion, as amended by the Amendment, must be filed on or before **May 11, 2020 at 4:00 p.m. (ET)** (the “**Objection Deadline**”) with the United States Bankruptcy Court for the District of Delaware, 3rd Floor, 824 Market Street, Wilmington, Delaware 19801. At the same time, you must also serve a copy of any objection upon the undersigned counsel to the Zohar Lenders so as to be received on or before the Objection Deadline.

**PLEASE TAKE FURTHER NOTICE THAT A HEARING ON THE MOTION, AS AMENDED BY THE AMENDMENT, WILL BE HELD ON MAY 20, 2020 AT 10:00 A.M. (ET) BEFORE THE HONORABLE KAREN B. OWENS, IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE, 824 NORTH MARKET STREET, 6TH FLOOR, COURTROOM NO. 3, WILMINGTON, DELAWARE 19801.**

Dated: April 19, 2020  
Wilmington, Delaware

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Joseph M. Barry

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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:

DURA AUTOMOTIVE SYSTEMS, LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 19-12378-KBO

Jointly Administered

Hearing Date: May 20, 2020 at 10:00 a.m. (ET)

Re: Docket No. 733

**AMENDMENT TO ZOHAR LENDERS' MOTION FOR ENTRY  
OF AN ORDER FURTHER EXTENDING THE CHALLENGE  
PERIOD AND GRANTING RELATED RELIEF**

Zohar II 2005-1, Limited and Zohar III, Limited (together, the “Zohar Lenders”) hereby submit this amendment (this “Amendment”) to the *Zohar Lenders’ Motion for Entry of an Order Further Extending the Challenge Period and Granting Related Relief* [Docket No. 733] (the “Extension Motion”) pursuant to which the Zohar Lenders seek entry of an order, pursuant to section 105(a) of title 11 of the United States Code (the “Bankruptcy Code”), Rule 9006(b) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), Rule 9006-2 of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the “Local Rules”) and paragraph 20(a)(iv) of the Final DIP Order,<sup>2</sup> further extending the Challenge Period solely for the Zohar Lenders through May 1, 2020.

<sup>1</sup> The debtor entities in these chapter 11 cases, along with the last four digits of each Debtor entity’s federal tax identification number, are: Dura Automotive Systems Cable Operations, LLC (7052); Dura Automotive Systems, LLC (8111); Dura Fremont L.L.C. (1252); Dura G.P. (8092); Dura Mexico Holdings, LLC (4188); Dura Operating, LLC (2304); and NAMP, LLC (3693).

<sup>2</sup> Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the *Final Order (I) Authorizing the Debtors to Obtain Postpetition Financing, (II) Authorizing the Debtors to Use Cash Collateral, (III) Granting Liens and Providing Superpriority Administrative Expense Status, (IV) Granting Adequate Protection to the Prepetition Lenders, and (V) Modifying the Automatic Stay* [Docket No. 340] (the “Final DIP Order”).

## **BACKGROUND**

1. On October 17, 2019 (the “Petition Date”), the Dura Automotive Systems, LLC and its above-captioned affiliated debtors and debtors in possession (collectively, the “Debtors”) filed voluntary petitions for relief under chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Middle District of Tennessee (the “Tennessee Bankruptcy Court”). The Debtors continue to operate their business and manage their property as debtors in possession under section 1107 and 1108 of the Bankruptcy Code. No trustee or examiner has been appointed in these chapter 11 cases.

2. Previously, on March 11, 2018, the Zohar Lenders and certain of their affiliates filed voluntary petitions for relief under chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the District of Delaware (the “Court”), commencing the bankruptcy cases captioned *In re Zohar III, Corp., et al.*, Case No. 18-10512 (KBO) (Bankr. D. Del.) (the “Zohar Chapter 11 Cases”).

3. On November 1, 2019, the Court entered an agreed order in the Zohar Chapter 11 Cases, transferring the Debtors’ chapter 11 cases from the Tennessee Bankruptcy Court to this Court, effective as of November 8, 2019, at 12:01 a.m. (ET) [Zohar Chapter 11 Cases Docket No. 1060]. These chapter 11 cases are being administered separately from the Zohar Chapter 11 Cases.

4. Also on November 1, 2019, the Office of the United States Trustee appointed an official committee of unsecured creditors in these chapter 11 cases (the “Committee”).

5. By the Final DIP Order, the Court established December 31, 2019, as the initial end of the Challenge Period applicable to non-Committee parties in interest. Final DIP Order ¶ 20(a). Pursuant to paragraph 20(a)(iv) however, the Challenge Period can be extended by the Court for any party “for cause upon a motion filed and served within [the Challenge Period]. . . .” *Id.*

6. On February 13, 2020, the Court entered an order [Docket No. 651] (the “Deadline Extension Order”) extending the Challenge Period for the Zohar Lenders through and including March 2, 2020. Pursuant to paragraph 3 of the Deadline Extension Order, the Zohar Lenders are entitled to seek further extensions of the Challenge Period.

7. On March 2, 2020, the Zohar Lenders filed the Extension Motion seeking a further extension. The Extension Motion was originally scheduled to be heard at omnibus hearing date scheduled in these cases for on March 23, 2020. On March 16, 2020, the Zohar Lenders filed a notice adjourning the Extension Motion to the next scheduled omnibus hearing in these cases [Docket No. 761].

8. Thereafter, the Debtors have serially requested that the Zohar Lenders adjourn the motion to the next-scheduled omnibus hearing in these cases, to which the Zohar Lenders have consented.

9. Recently, the Debtors have requested an adjournment of the Extension Motion to a date that is beyond the sale hearing in these cases which, upon information and belief, has not yet been scheduled. While the parties attempted to negotiate a stipulation effectuating such adjournment, it is unclear whether the parties are in agreement on the terms of such adjournment. Accordingly, to give effect to the requested adjournment without prejudicing the rights of the Zohar Lenders, the Zohar Lenders have filed this Amendment.

**AMENDMENT TO RELIEF REQUESTED**

10. By this Amendment, the Zohar Lenders amend the relief requested in the Extension Motion to request an extension of the Zohar Lenders’ Challenge Period through and including June 30, 2020. Specifically, the Zohar Lenders hereby amend (a) paragraph 10 of the Extension Motion

to replace the terms “for an additional 60 days through and including May 1, 2020” therein to state “through and including June 30, 2020” such that paragraph 10 shall now read:

By this Motion, the Zohar Lenders request a further extension of the Challenge Period through and including June 30, 2020.<sup>3</sup>

and (b) page 7 to replace “May 1, 2020” with “June 30, 2020” such that page 7 shall now read:

WHEREFORE, the Zohar Lenders respectfully request that the Court enter the Proposed Order, extending the Challenge Period through and including June 30, 2020.

11. A revised proposed order granting the Extension Motion, as amended by this Amendment, is attached hereto as Exhibit A (the “Amended Proposed Order”).

12. Except as set forth herein, the Zohar Lenders incorporate by reference the balance of the Extension Motion as if written fully herein.

13. The Zohar Lenders reserve their rights to seek further extensions of the Challenge Period, if warranted.

### **NOTICE**

14. The Zohar Lenders will serve a re-notice of the Motion, as amended by this Amendment, on: (a) counsel to the Debtors; (b) the Office of the United States Trustee for the District of Delaware; (c) counsel to the DIP Lender; (d) counsel to the Committee; (e) counsel to the Prepetition ABL Parties; (f) counsel to the Initial DIP Lender; and (g) all parties that have filed a notice of appearance and request for service of papers pursuant to Bankruptcy Rule 2002. The Zohar Lenders submit that, in light of the nature of the relief requested, no other or further notice need be given.

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<sup>3</sup> Pursuant to Rule 9006-2 of the Local Rules of Bankruptcy Practice and Procedure for the United States Bankruptcy Court for the District of Delaware, the filing of this Motion prior to the expiration of the current Challenge Period shall automatically extend the Challenge Period until the Court acts on this Motion without the necessity for entry of a bridge order.

**CONCLUSION**

WHEREFORE, the Zohar Lenders respectfully request that the Court enter the Amended Proposed Order and grant such other and further relief that the Court may deem just and appropriate under the circumstances.

Dated: April 19, 2020  
Wilmington, Delaware

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Joseph M. Barry

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**EXHIBIT A**

**Amended Proposed Order**



**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:

DURA AUTOMOTIVE SYSTEMS, LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 19-12378-KBO

Jointly Administered

Re: Docket Nos. 340, 651, 733 and \_\_\_\_\_

**ORDER FURTHER EXTENDING THE CHALLENGE PERIOD  
AND GRANTING RELATED RELIEF**

Upon consideration of the amended motion [Docket Nos. 733 and \_\_\_\_] (as amended, the “Motion”) <sup>2</sup> of Zohar II 2005-1, Limited, and Zohar III, Limited (collectively, the “Zohar Lenders”) in the chapter 11 cases of Dura Automotive Systems, LLC and its affiliated debtors and debtors in possession (collectively, the “Debtors”), for entry of an order, pursuant to section 105(a) of chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”), Rule 9006(b) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), Rule 9006-2 of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the “Local Rules”), and paragraph 20(a)(iv) of the Final DIP Order (as defined herein) further extending the Challenge Period for the Zohar Lenders through and including June 30, 2020; and it appearing that this Court has jurisdiction to consider the Motion and the relief requested therein; and due notice of the Motion having been provided; and it appearing that no other or further notice need be provided; and a hearing having been held; and

<sup>1</sup> The debtor entities in these chapter 11 cases, along with the last four digits of each Debtor entity’s federal tax identification number, are: Dura Automotive Systems Cable Operations, LLC (7052); Dura Automotive Systems, LLC (8111); Dura Fremont L.L.C. (1252); Dura G.P. (8092); Dura Mexico Holdings, LLC (4188); Dura Operating, LLC (2304); and NAMP, LLC (3693).

<sup>2</sup> Capitalized terms used but not otherwise defined herein shall have the meaning ascribed to them in the Motion.

all objections having been heard and overruled or withdrawn; and after due deliberation and sufficient cause appearing therefore; it is hereby ORDERED that:

1. The relief requested in the Motion is hereby GRANTED, as set forth herein.
2. The Challenge Period for the Zohar Lenders is hereby extended through and including June 30, 2020.
3. Nothing herein shall preclude the Zohar Lenders from seeking further extensions of the Challenge Period, or preclude other parties in interest from opposing such requests.
4. This Court shall retain jurisdiction to hear and determine all matters and disputes arising out of or relating to the implementation or interpretation of this Order.